

REMARKS

The Applicant has carefully reviewed the Office Action mailed January 14, 2010 and offers the following remarks.

Claims 1-3, 7, 8, 10, 19-24, 28, 29, 31, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,454,206 to *Phillips et al.* (hereinafter “*Phillips*”) in view of U.S. Patent No. 6,801,528 to *Nassar* (hereinafter “*Nassar*”). The Applicant respectfully traverses the rejection.

Prior to addressing the rejection, the Applicant provides herewith a brief summary of one embodiment of the present invention, where a personal communication device (PCD) that supports multiple packet-based communication identifications (IDs) is provided. Accordingly, communications using any of the packet-based communication IDs associated with the PCD can be established with the PCD. In an embodiment, the PCD may also be capable of communicating using cellular techniques. When the PCD is capable of communicating using cellular techniques, the PCD may have one or more cellular-based IDs, which may be managed in cooperation with the packet-based communication IDs used for packet-based communications. In an embodiment, each of the IDs is uniquely associated with distinct service nodes. None of the cited references disclose or suggest this feature. Moreover, the Patent Office has agreed that *Phillips* does not disclose this feature.¹

Nassar generally relates to network address translation (NAT) for packet routing.² A NAT rule translates an address identifying a subscriber and associated with a first service provider into an address identifying a subscriber that is associated with a second service provider for a particular application.³ According to *Nassar*, a combination of a subscriber’s address and application identifier, which identifies a desired application, is used by the NAT rule to translate the subscriber’s address into an address associated with a service provider that has been contracted to support the particular application associated with the application identifier.⁴ Thus, a new address is assigned based on an address associated with a service provider that supports a particular application. However, no mention is made regarding associating the addresses with distinct service nodes.

¹ See Office Action mailed January 14, 2010, page 3.

² See *Nassar*, col. 1, ll. 10-11.

³ See *Nassar*, col. 2, ll. 10-15.

⁴ See *Nassar*, col. 2, ll. 27-34 and col. 6, ll. 61-62.

Now turning to the rejection, when rejecting a claim under 35 U.S.C. § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.⁵ The gap between the prior art and the claimed invention may not be “so great as to render the [claim] non-obvious to one reasonably skilled in the art.”⁶ Here, the Patent Office has failed to show where each and every limitation of the claims is taught or suggested by the prior art. Further, for those limitations of the claims that are not taught or suggested by the prior art, the Patent Office has failed to explain why those limitations would have been obvious to one of ordinary skill in the art.

More specifically, claim 1 recites a personal communication device comprising, among other features, a control system adapted to provide a plurality of packet communication clients associated with unique IDs, where “each of the unique IDs [are] uniquely associated with distinct service nodes.” Claim 22 includes similar features. The Applicant submits that neither reference, either alone or in combination, discloses or suggests providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes. As correctly pointed out by the Patent Office, *Phillips* does not disclose this feature.⁷

Similarly, *Nassar* does not disclose or suggest this feature. Nonetheless, the Patent Office maintains the rejection by asserting that *Nassar* discloses this feature in Figures 6, 7A, and 7B, in the Abstract, column 2, lines 11-41, column 3, lines 44-56, column 6, line 13 – column 7, line 33, and in column 7, line 47 – column 8, line 47.⁸ The Applicant respectfully disagrees. As mentioned above, *Nassar* generally relates to network address translation (NAT) for packet routing. With regards to the cited portions, *Nassar* discloses an IP packet 500a having an IP address 601a associated with a IP Host A-1 and an application identifier 603.⁹ *Nassar* also discloses translating the IP address 601a to a new IP address 601b associated with a Host B.¹⁰ According to *Nassar*, a NAT matching rule 610 translates the IP address 601a to the IP address

⁵ *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398, 418, 82 U.S.P.Q.2d (BNA) 1385, 1396 (2007).

⁶ *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q. (BNA) 257, 261 (1976).

⁷ See Office Action mailed January 14, 2010, page 3.

⁸ See Office Action mailed January 14, 2010, page 3.

⁹ See *Nassar*, col. 7, ll. 43-52.

¹⁰ See *Nassar*, col. 7, ll. 43-45.

601b that is assigned to a service provider that provides the application identified by the application identifier.¹¹ Thus, at the very most, *Nassar* discloses providing a new address that is assigned to a service provider that provides a requested service. However, the Applicant submits that a service provider is not equivalent to a service node. More specifically, a service node is a switching point that comprises a point of end user access to a network and network services. In contrast, a service provider is an organization that provides a communications service, a storage service, a processing service, or any combination of the three. *Nassar* discloses a service provider that is entirely consistent with this definition. In particular, *Nassar* gives as an example a scenario where a medical professional needs to register with multiple service providers for various services, such as web and email applications in one instance, a VPN or encryption application in another instance, and real-time communication applications in another instance.¹² However, no mention is made regarding distinct service nodes nor providing a plurality of communication clients associated with unique IDs, where each of the unique IDs are uniquely associated with distinct service nodes. As such, claims 1 and 22 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Likewise, claims 2, 3, 7, 8, 10, 19-21, 23, 24, 28, 29, 31, and 40-42, which depend from either claim 1 or claim 22, are patentable for at least the same reasons along with the novel features recited therein.

Claims 4-6, 11-18, 25-27, and 32-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar* and further in view of U.S. Patent Application Publication No. 2002/0128036 to *Yach et al.* (hereinafter “*Yach*”). The Applicant respectfully traverses the rejection. As discussed above, claims 1 and 22, the base claims from which claims 4-6, 11-18, 25-27, and 32-39, variously depend, are patentable over *Phillips* and *Nassar*. In addition, *Yach* does not overcome the problems of both *Phillips* and *Nassar*. Accordingly, claims 4-6, 11-18, 25-27, and 32-39 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

Claims 9 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Phillips* in view of *Nassar* and further in view of U.S. Patent Application Publication No. 2004/0122934 to *Westman et al.* (hereinafter “*Westman*”). The Applicant respectfully traverses the rejection. As detailed above, claims 1 and 22, the base claims from which claims 9 and 30

¹¹ See *Nassar*, col. 7, ll. 43-47.

¹² See *Nassar*, col. 1, l. 65 – col. 2, l. 2.

respectively depend, are patentable over *Phillips* and *Nassar*. *Westman* does not cure the deficiencies of *Phillips* and *Nassar*. As such, claims 9 and 30 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Anthony J. Josephson
Registration No. 45,742
100 Regency Forest Drive, Suite 160
Cary, NC 27518
Telephone: (919) 238-2300

Date: May 11, 2010
Attorney Docket: 7000-338